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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,163	06/26/2001	Michael Vito Catania	60,130-1123	2398

7590

07/16/2002

Kerrie A. Laba
CARLSON, GASKEY & OLDS, P.C.
Suite 350
400 W. Maple
Birmingham, MI 48009

EXAMINER

BURCH, MELODY M

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 07/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,163

Applicant(s)

CATANIA, MICHAEL VITO

Examiner

Melody M. Burch

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification fails to provide proper antecedent basis for the term "connector portion" in line 2 of claim 2 and "base member" in lines 1-2 of claim 2.

Claim Objections

2. Claims are objected to because of the following informalities: including but not limited to line 1 of claim 11 the phrase "include" should be changed to --includes--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re: claim 3. The phrase "directions form" in line 2 is unclear.

Re: claim 4. The phrase "said mounting member all rotated about" in line 2 is unclear. Examiner suggests the insertion of the word --are-- between "member" and "all".

Re: claim 5. The term "base plate" is indefinite. It is unclear to the Examiner whether Applicant is referring to element 28 or element 52 since element 28 is referred to backing plate in the specification and element 52 is referred to as base portion in specification and base member in the claims.

Re: claim 9. In line 2 from the bottom the phrase "proper contract" is indefinite.

Re: claim 11. The phrase "said anchor pin" in the last line of the claim is unclear since two anchor plates were previously claimed in claim 9. Examiner is unclear as to which anchor plate Applicant is referring to.

Re: claim 12. It is unclear to the Examiner whether the first and second retainer clips are attached to first and second backing plates as claimed or to the respective plates. Clarification is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

6. Claim 1-3, 7, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent EP-0044377.

Re: claim 1. EP-0044377 shows a brake shoe assembly comprising: a brake spider 11; a mounting member 26,27,28 supported on the brake spider and including an arcuate surface for supporting a brake lining 35,36; an anchor pin 12 pivotally mounting one end of the mounting member to the brake spider; and a retainer clip 17 attached to the mounting member and cooperating with the anchor pin to maintain proper shoe orientation as shown in figures 1 and 3.

Re: claim 2 (First Interpretation). EP-0044377 shows in figure 5 the limitation wherein the retainer clip includes a base member 41,42,43 with a connector portion 44,45 and a pair of legs 42a,43a extending outwardly from opposite ends of the base member to support the anchor pin.

Re: claim 2 (Second Interpretation). EP-0044377 shows in figure 5 the limitation wherein the retainer clip includes a base member 41,42,43 with a connector portion 42a,43a and a pair of legs shown in the area of element numbers 44,45 and before element numbers 42a,43a extending outwardly from opposite ends of the base member to support the anchor pin.

Re: claim 3. EP-0044377 shows in figure 3 the limitation wherein the anchor pin 12 includes a cylindrical body shown in the area of the lines associated with element numbers 20, 32a, and 33a with a pair of pin ends (on either side of the cylindrical body, one of which being shown in the area of the lead line associated with the lower element

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number 12) extending in opposite directions from the body to define a pivot axis and wherein the pin ends are supported by the legs.

Re: claim 7 (based on First Interpretation). EP-0044377 shows the limitation wherein the mounting member includes a base plate 28 for supporting the brake lining and a pair of spaced apart webbed flanges 26,27 extending inwardly from the base plate toward the center of the assembly, the connector portion 44,45 engaging at least one of the webbed flanges to retain the clip on the mounting member.

Re: claim 8 (based on Second Interpretation). EP-0044377 shows the limitation wherein the legs have a hook portion 44,45 for supporting the pin ends via the legs and a portion of elements 42a,43a.

7. Claim 1-4, 7-13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 4679667 to Zawodni.

Re: claim 1. Zawodni shows a brake shoe assembly comprising: a brake spider 12; a mounting member 28,44 supported on the brake spider and including an arcuate surface for supporting a brake lining 24; an anchor pin 18 pivotally mounting one end of the mounting member to the brake spider; and a retainer clip 40 attached to the mounting member and cooperating with the anchor pin to maintain proper shoe orientation as shown in figures 1 and 3.

Re: claim 2 (First Interpretation). Zawodni shows in figure 2 the limitation wherein the retainer clip includes a base member 56 with a connector portion shown in the area between portions 56 and portions 60 and a pair of legs 60 extending outwardly from opposite ends of the base member to support the anchor pin.

Re: claim 2 (Second Interpretation). Zawodni shows in figure 2 the limitation wherein the retainer clip includes a base member or semicircle of element 17 shown in the area of element number 48 with a connector portion shown in the area between elements 60 and the leftmost portion of elements 56 and a pair of legs 56 extending outwardly from opposite ends of the base member to support the anchor pin.

Re: claims 3 and 4 (based on First Interpretation). Zawodni shows in figure 3 the limitation wherein the anchor pin 18 includes a cylindrical body shown in the area of element number 18 with a pair of pin ends 52 extending in opposite directions from the body to define a pivot axis and wherein the pin ends are supported by the legs via element 56.

Re: claims 3 and 4 (based on Second Interpretation). Zawodni shows in figure 3 the limitation wherein the anchor pin 18 includes a cylindrical body shown in the area of element number 18 with a pair of pin ends 52 extending in opposite directions from the body to define a pivot axis and wherein the pin ends are supported by the legs.

Re: claim 7 (based on First Interpretation). Zawodni shows the limitation wherein the mounting member includes a base plate 28 for supporting the brake lining and a pair of spaced apart webbed flanges 44 extending inwardly from the base plate toward the center of the assembly, the connector portion engaging at least one of the webbed flanges to retain the clip on the mounting member.

Re: claim 8 (based on Second Interpretation). Zawodni shows in figures 2 and 3 the limitation wherein the legs have a hook portion 60 for supporting the pin ends via the legs and the portion shown in the area of element number 48.

Re: claims 9 and 10. Zawodni shows in figure 1 a cam brake assembly comprising: a first brake shoe 16 (left) including a first backing plate 28,44 (left) for supporting a first brake lining 24 (left); a second brake shoe 16 (right) including a second backing plate 28,44 (right) for supporting a second brake lining 24 (right) wherein the second brake lining faces an opposite direction from the first brake lining; a brake spider 12 having a first mounting portion for attachment to the first brake shoe and a second mounting portion for attachment to the second brake shoe; a first anchor pin 18 (left) pivotally attaching one end of the first brake shoe to the first mounting portion to define a first pivot axis; a second anchor pin 18 (right) pivotally attaching one end of the second brake shoe to the second mounting portion to define a second pivot axis; an actuator 30 for pivoting opposite ends of the first and second brake shoes about the first and second pivot axes, respectively, during a brake actuation; a first retainer clip 40 (left) attached to the first brake shoe for cooperation with the first anchor pin to maintain proper contact and orientation between the first anchor pin and the first brake shoe; and a second retainer clip 40 (right) attached to the second brake shoe for cooperation with the second anchor pin to maintain proper contact and orientation between the second anchor pin and the second brake shoe.

Re: claims 11, 12, and 15. Zawodni shows in figure 2 the respective backing plates including a pair of spaced apart transversely extending webbed flanges 44 each defining an engagement surface 46 for contact with the anchor pin.

Re: claim 13. Zawodni shows in figure 3 each of the anchor pins including a cylindrical body shown in the area of element number 18 and a pair of pin ends 52 of

smaller diameter than the body extending outwardly from opposing ends of the body and wherein an exterior surface of the body shown in the area of element number 18 contacts the engagement surfaces 46 of the webbed flanges via elements 54 and 52.

8. Claims 1-5, 9-13, and 15 are rejected under 35 U.S.C. 102(e2) as being anticipated by US Patent 6364076 to Braun et al.

Re: claim 1. Braun et al. show in figures 1 and 3 a brake shoe assembly comprising: a brake spider 14, a mounting member 24,26,182 supported on the brake spider and including an arcuate surface for supporting a brake lining 28; an anchor pin 60 as disclosed in col. 3 lines 53-54 pivotally mounting one end of the mounting member to the brake spider and a retainer clip 170 attached to the mounting member and cooperating with the anchor pin to maintain proper shoe orientation.

Re: claim 2. Braun et al. shows the limitation wherein the retainer clip includes a base member or portion between elements 178a and 178b with a connector portion 178a,178b and a pair of legs 180 extending outwardly from opposite ends of the base member to support the anchor pin.

Re: claims 3 and 4. Braun et al. show the anchor pin including a cylindrical body 61 with a pair of pin ends 62 extending in opposite directions from the body to define a pivot axis and wherein the pin ends are supported by the legs as shown in figure 4.

Re: claim 5. Braun et al. show in figure 3 the limitation wherein the mounting member includes a base plate 24,26 for supporting the brake lining and a pair of spaced apart webbed flanges 182 extending inwardly from the base plate toward the pivot axis,

the connector portion engaging the base plate between the flanges to retain the clip on the mounting member.

Re: claims 9 and 10. Braun et al. show in figure 1 a cam brake assembly comprising: a first brake shoe 22 (left) including a first backing plate 26,24 (left) for supporting a first brake lining 28 (left); a second brake shoe 22 (right) including a second backing plate 26,24 (right) for supporting a second brake lining 28 (right) wherein the second brake lining faces an opposite direction from the first brake lining; a brake spider 14 having a first mounting portion for attachment to the first brake shoe and a second mounting portion for attachment to the second brake shoe; a first anchor pin 60 (left) pivotally attaching one end of the first brake shoe to the first mounting portion to define a first pivot axis; a second anchor pin 60 (right) pivotally attaching one end of the second brake shoe to the second mounting portion to define a second pivot axis; an actuator 32 for pivoting opposite ends of the first and second brake shoes about the first and second pivot axes, respectively, during a brake actuation; a first retainer clip 170 (left) attached to the first brake shoe for cooperation with the first anchor pin to maintain proper contact and orientation between the first anchor pin and the first brake shoe; and a second retainer clip 170 (right) attached to the second brake shoe for cooperation with the second anchor pin to maintain proper contact and orientation between the second anchor pin and the second brake shoe.

Re: claims 11, 12, and 15. Braun et al. shows in figure 2 the respective backing plates including a pair of spaced apart transversely extending webbed flanges 182 each defining an engagement surface for contact with the anchor pin.

Re: claim 13. Braun et al. show in figure 3 each of the anchor pins including a cylindrical body 61 and a pair of pin ends 62 of smaller diameter than the body extending outwardly from opposing ends of the body and wherein an exterior surface of the body contacts the engagement surfaces of the webbed flanges.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bruan et al. in view of EP-0044377. Braun et al. show the retainer clips including a base plate shown in the area between element numbers 178a and 178b with a pair of legs 180 for supporting the pin ends, but does not disclose the limitation of the legs being hooked. EP-0044377 teaches in figure 5 the use of a retainer clip having a pair of hooked legs 44 and 45 used to help support pin ends of pins 12 and 13. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the legs of Braun et al. to have included hooks, as taught by EP-0044377, in order to provide a an alternate means of securely supporting the pin ends.

All wabl Subj ct Matter

11. Claims 6 and 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents: 5469942 to Krumm, Sr., 4981200 to Gee, 4157747 to Getz et al., 4332311 to Nomura, 4648491 to Taylor, 4471859 to Urban, and 4206834 to Williams teach similar anchor pin retaining means in drum brakes.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 703-306-4618. The examiner can normally be reached on Monday-Friday (7:30 AM-4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


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July 10, 2002


JACK LAVINDER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600
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